

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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HENRY LEE, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

BUTH-NA-BODHAIGE, INC.,  
a Delaware corporation,  
d/b/a THE BODY SHOP, and  
DOES 1-10,

Defendants.

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**NOTICE OF MOTION TO INTERVENE, AND TO DISMISS OR STAY,  
OR IN THE ALTERNATIVE TRANSFER THIS CASE,  
PURSUANT TO THE FIRST-TO-FILE RULE**

PLEASE TAKE NOTICE that upon the accompanying Motion and Memorandum of Law, proposed intervenor Shane Flaum moves this Court for an order allowing permissive intervention in the above-captioned action pursuant to Fed. R. Civ. P. 24(b). Mr. Flaum further moves to dismiss or stay this action, or in the alternative transfer this case, pursuant to the first filed doctrine.

Dated: New York, New York  
September 20, 2016

Respectfully submitted,

s/ James S. Giardina  
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Attorneys for Intervenor, Shane Flaum

**CERTIFICATE OF SERVICE**

THE UNDERSIGNED HEREBY CERTIFIES that on September 20, 2016, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system and served on all of those parties receiving notification through the CM/ECF system.

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